

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Hyderabad District - Appeal filed by Sri Dingu Ganashankar Reddy S/o Purushotham Reddy, U/S 7(2) of Act 16/19 against the orders of the Collector, Hyderabad District in Procgs.No.D5/5405/1988, dated 19.12.1988 – Rejected – Orders issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.3

**Dated: 18.01.2022,
Read the following:**

- 1.Procdgs.No. of the Collector, Hyderabad, No. D5/5405/1988, dt. 19.12.1988.
2. Appeal Petition filed by Sri Dingu Ganashankar Reddy, S/o. Purushottam Reddy, Helper, Indian Air Lines, Ltd., dt. 22.03.1997.
3. GO.Ms.No. 36, Social Welfare (CV.2) Dept. dated 27.03.2002
4. Order received from Asst. Registrar of High court for the State of Telangana at Hyderabad, in W.P.No.20122 of 2003 Dated:31.1.2020 received on 20.1.2021.
5. Govt.Memo No. 78/TW.LTR/2021, dated 29.01.2021
6. U.O.Note No.48/SCD.POA.A2/2021-1 of SCD Department dt:28.1.2021 along with representation of Dingu Ganashankar Reddy, S/o Purushottam Reddy, along with enclosures dated 31.12.2020 received on 04.02.2021.
7. Lr.e-office.No.286087/2021/TRI/TSV, along with enclosures Received from the CTW, TS, DSS, Bhavan, Masab Tank, Hyderabad, Date: 14.06.2021 received on 23.06.2021.
8. Govt.Notice.No.78/TW.LTR/2021, dated: 22.07.2020.

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ORDER:

In the reference 2nd read above, Sri Dingu Ganashankar Reddy S/o Purushotham Reddy, Helper, Indian Air Lines, Ltd., Hyderabad has filed an Appeal before the Government on 22.03.1997 against the orders of the Collector, Hyderabad District in Procgs.No.D5/5405/1988, dated 19.12.1988 (reference 1st read above) – summary of which is as follows:

- Asst. Vigilance Officer, Indian Airlines, Hyderabad had requested to verify social status of Sri D.Ganasankar Reddy, Helper in their organization.
- Director, Tribal Welfare had enquired into and concluded that he cannot be considered as a member of ST and his appointment in ST quota is invalid.
- Based on the said report, Government vide Memo dt.21.12.1997, had issued instructions to the Collector, Hyderabad to cancel his Caste Certificate after giving opportunity and notify the fact in the District Gazette.
- The Collector, Hyderabad had enquired into matter and issued orders dt.19.12.1988 cancelling his Caste Certificate for the following reasons:

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- He deposed that his father was born in Cuttack, Orissa State and transferred to Secunderabad.
- He did not have any other certificates to prove that he belongs to HILL REDDY (ST community except the Certificate issued to his father by former Collector, Hyderabad on 11.10.1954 (on the strength of Harijan Sevak Sangh, Hyderabad Branch).
- Xerox copy of Transfer Certificate issued by Centenary School, Secunderabad shows his social status as Scheduled Tribe only.
- Xerox copy of Caste Certificate issued by III Metropolitan Magistrate dated 20.11.1986 – his community was described as HILL REDDY, which he obtained from the III Metropolitan Magistrate in view of urgency, on the basis of School TC. No evidence that the III Metropolitan Magistrate had conducted any field level enquiry.
- He deposed that all the marriages of maternal paternal relatives were with Ready caste people due to love affairs and they had not availed any concession under ST reservation. There can be cases of love marriages between a Hill Reddy and a Reddy from the plains, but impossible that all the maternal and paternal uncles should marry only from the Reddy caste unless they themselves belong to Reddy caste.
- All his paternal and maternal uncles did not avail themselves of the concession extended to the STs.
- It is common knowledge that had they really belonged to Hill Reddy tribe, they would have really availed themselves of these concessions.

2. Accordingly, Government has admitted the Appeal and conducted hearings on 12.6.2001, 12.6.2001, 13.7.2001, 31.8.2001 and 28.11.2001. The Appellant and his counsel had appeared on 31.8.2001 and requested for adjournment. Last chance was given and case posted to 28.11.2001 on which date neither the Appellant nor his Counsel appeared. Thus, ample time was given to the Appellant to argue and prove his claim – but he failed to do so.

3. Therefore, Government detailed examination of the Appeal basing on the evidences available on record and exercising powers conferred under Section 7 (2) of AP SCs, STs & BCs Act 16/1993 and Rules issued in GO Ms.No.58, SW (J) Dept. dt.12.5.1997, has rejected the Appeal filed by the Appellant Sri Dingu Ganashankar Reddy S/o Purushotham Reddy, Helper, Indian Air Lines, Ltd., Hyderabad in the reference 3rd read above.

4. Aggrieved by the above orders of the Government, the Appellant has filed WP No.20122 of 2003 before the Hon'ble High Court praying to grant interim suspension by suspending operation of the order abstracted in GO Ms.No.36 confirming orders of the Collector & District Magistrate, Hyderabad in Procs.No.D5/5405/1998, dated 19.12.1988, pending disposal of the Writ Petition.

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5. In the reference 4th read above, the Hon'ble High Court for the State of Telangana has disposed the WP No.20122 of 2003 on 31.1.2020 – making the following order:

"It is contended by Sri P.Suresh Reddy, learned Senior Counsel appearing for the petitioner that no opportunity of personal hearing was provided by the Government before passing impugned order, which is a gross violation of the order dated 03.02.1997 passed by this Court in WP No.341 of 1989 and hence, the impugned order is liable to be set aside.

Ms Kanyakumari, learned Assistant Government Pleader has submitted that an opportunity was given to the petitioner and though the case was adjourned on number of occasions, the petitioner was absent, except filing written arguments.

As seen from the counter affidavit filed by the 1st respondent that the petitioner submitted his written arguments on 15.12.2001 the said impugned order does not contain any discussion about the said written arguments and the impugned order, which is passed on 27.3.2002, fails in not considering the contentions raised in the said written statement. It is further argued by learned counsel for the petitioner that the date of listing of appeal, which was posted to 28.11.2001 as last chance, was not informed; therefore, I deem it appropriate to set aside the impugned G.O.Ms.No.36, dated 27.03.2002.

In view of the above, the writ petition is allowed setting aside G.O.Ms.No.36, dated 27.03.2002 and remanded the matter with a direction to the 2nd respondent to hear the petitioner and pass appropriate orders. The petitioner is directed to file a representation by enclosing the relevant documents, if any, afresh within two weeks from the date of receipt of a copy of this order and on such representation being received, the 2nd respondent shall give an opportunity of personal hearing to the petitioner and pass appropriate orders in accordance with the law, as expeditiously as possible. There shall be no order as to costs."

6. In the reference 5th read above, a copy of the order dated 31.1.2020 of the Hon'ble High Court has been communicated to the Additional Director O/o Commissioner of Tribal Welfare, Telangana State, Hyderabad and the Director, TCR & TI to take necessary action as per orders of the Hon'ble High Court.

7. The Appellant Sri Dingu Ganashankar Reddy, S/o Purushotham Reddy, aged: 48 years, occ: Helper (Engg.) Indian Airlines Ltd., Hyderabad (R/o H.No.165, Tarbund, Secunderabad) has submitted a representation dt.31.12.2020 addressed to the Principal Secretary, Social Welfare Department enclosing a copy of the order dated 31.01.2020 of the Hon'ble High Court in WP No.20122/2003 and requested to grant opportunity of personal hearing and to pass favourable orders. The Social Welfare Department in the reference 6th read above, has transferred the representation to Tribal Welfare Department and requested to take necessary action in the matter, as the subject matter pertains to the Tribal Welfare Department.

8. In compliance to the Govt.Memo dated 29.01.2021, the Director, TCR & TI, O/o Commissioner of Tribal Welfare, TS, Hyderabad in the reference 7th read above has reported that Sri Dingu Ganashankar Reddy has attended their office on 20.3.2021, furnished genealogical and ethnographic information. The summary of the report is as follows:

- Hyderabad District is not the traditional habitat of Hill Reddy Tribe and the candidate did not furnish any proof relating to his ordinary residence as migrated from Scheduled Areas of East Godavari, West Godavari and Khammam Districts.
- Individual's family migrated from Baxi Bazar, Cuttack, Orissa State and in Orissa he stated that his community is known as Konda Reddy community. The Hill Reddy and Konda Reddy tribes have not been listed in the Scheduled Tribes list of Odisha State. It clearly shows that he fraudulently obtained caste certificate from III Metropolitan Magistrate, Hyderabad based on the Transfer Certificate issued by the school authority, wherein it was mentioned as SST community and no-where Hill Reddy community was mentioned.
- He did not born and brought up in the fold of Hill Reddy community.
- He has relationship with the people of Reddy community of Telangana, Andhra Pradesh and Orissa State.
- The surname, clans and other surnames of his relatives do not match with the information on Hill Reddy Tribe.
- Information furnished by him about marriage patterns, traditional occupation, festivals, Gods/Goddesses did not match with the information on Hill Reddy community.
- He stated that their traditional occupation is wood craft whereas traditional occupation of the Konda Reddies is shifting cultivation and agriculture labour and are also adopting settled cultivation/horticulture. So, it is clearly established that the individual has no knowledge about Hill Reddy community.
- His father obtained job in Indian Airlines as Caretaker in OC Category (Reddy caste) in 1934 and he obtained caste certificate from District Magistrate, Hyderabad City on 10.11.1954 as Hill Reddy with a view to reap benefits meant for the ST candidate.
- Candidate has not furnished any documentary evidences as belonging to Hill Reddy community and the authorities have issued Hill Reddy certificate without examining and conducting any enquiry to the individual.
- The Government of India, Ministry of Home Affairs, New Delhi vide No.35/1/72-RU (SCT-V) dated 02.05.1975 and No.BC,12025/2/76/SCT-I, dated 22.07.1977 has issued clarification on issue of SC and ST certificates on the term "Residence".

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Migration: Where a person migrates from the portion of the State in respect of which his community is Scheduled to another part of the same State in respect of which his community is not scheduled, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe, as the case may be in relation to that State.

Where a person migrates from one State to another, he can claim to belong to a Scheduled Caste or a Scheduled Tribe only in relation to the State to which he originally belonged and not in respect of State to which he has migrated.

- In view of the above, there is no substantial evidence/proof to ascertain the ST status claim of the individual as belongs to Hill Reddy community and hence, he cannot be considered as the member of Hill Reddy/Konda Reddy Scheduled Tribe.

9. In the reference 8th read above, as per the orders of the Hon'ble High Court in WP No.20122 of 2003, dated 31.1.2020, the Appellant has been given further opportunity and issued notice to attend hearing on 31.07.2021 at 2.00 PM. Accordingly the appellant present, but failed to prove his case.

10. The traditional habitat of Hill Reddy/Konda Reddy Tribe is East Godavari, West Godavari and Khammam Districts. The Appellant's claim is that his family migrated from Cuttack of Orissa State and belongs to Konda Reddy community. But the Hill Reddy/Konda Reddy tribes have not been listed in the Scheduled Tribes list of Odisha State. He has never been in the fold of Hill Reddy/Konda Reddy Tribe, no Hill Reddy/Konda Reddy Community Certificates were issued to any of his family members and all his family members have been following customs and traditions of plain area Reddy community marrying Reddy community people. Sufficient opportunities have been given to the appellant for more than (30) years i.e. from the year 1988 till 31.7.2021, but the Appellant failed to argue and prove his case.

11. Therefore, Government after careful examination of the evidences available on record, hereby reject the Appeal filed by the Appellant Sri Dingu Ganashankar Reddy, S/o Purushottam Reddy, Occ: Helper (Engg.) Indian Airlines Ltd., Hyderabad, R/o H.No.165, Tarbund, Secunderabad duly confirming orders passed the Collector, Hyderabad District in Procs.No.B5/5405/1988, dated 19.12.1988, declaring him as not belonging to Hill Reddy ST community.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

1. Sri Dingu Ganashankar Reddy, S/o Purushottam Reddy,
Occ: Helper(Engineering) Indian Airlines Limited,
Address: Flat No. 203, H.No.2-2-1118/1, Emerald House,
Opp: Bathukamma Kunta, Shivam Road, New Nallakunta,
Hyderabad-044 (BY RPAD)

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Copy to:

1. The Collector and District Magistrate, Hyderabad District
(with a request to serve order copy to the individual and to send dated Acknowledgement to Government.(BY RPAD)
2. The Commissioner of Tribal Welfare, TS, Hyderabad (for information)
3. The P.S. to Minister for ST Welfare (for information)
4. The Government Pleader for Social Welfare, High Court Building, Hyderabad.
5. The Scheduled Caste Development Department, TS, Secretariat, Hyderabad.
6. The PS to Secretary (TW)
7. The PS to Special Secretary (TW)
8. SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER